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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10  
11 SYLVIA BLAIR, an individual,  
12 Plaintiff,

13 vs.

14  
15 WAL-MART STORES, INC., a Foreign  
16 Corporation; DOES I through X, inclusive; and,  
17 ROE CORPORATIONS I through X, inclusive,  
18 Defendants.

CASE NO.: 2:17-cv-02789-APG-NJK

**JOINT STIPULATION TO EXTEND**  
**DISCOVERY PLAN**

**Filed in Compliance with LR 26-4**  
**(First Request)**

19 Under Local Rule 26-4, the parties, through their respective counsel, request the Court  
20 extend the discovery cutoff for forty-five (45) days for the reasons below. This is the first request for  
21 an extension of discovery deadlines.

22 1. **Status Report:** The parties conducted a Rule 26(f) conference on November 10,  
23 2017, and filed a joint discovery plan and scheduling order (ECF No. 10) on November 14, 2017.  
24 On that same day, the Court set the discovery deadline for May 2, 2018. The parties served their  
25 initial disclosures and documents, and Defendant Wal-Mart Stores, Inc. served written discovery.  
26 The parties are also collecting and obtaining plaintiff's medical records. On March 5, 2018, the  
27 parties filed an interim status report, which details all discovery completed and anticipated.

28 This is an action alleging personal injury because of a trip and fall at Walmart. Under LR 26-

1 4, the deadline to request an extension of discovery deadlines is April 11, 2018. Due to Plaintiff's  
2 counsel having issues in calendaring, there have been delays in answers to Defendants' discovery  
3 requests. Thus causing issues to complete the remaining discovery within the deadlines. The parties  
4 request an extension of forty-five (45) days of the discovery deadline for the following reasons,  
5 which constitute excusable neglect:

6 Plaintiff was served with Interrogatories and Requests to Produce on December 19, 2017.  
7 For reasons that are not clear, these discovery requests were saved straight to the file, bypassing the  
8 calendaring system that had worked well for many years. It was only when counsel for Wal-Mart  
9 asked on February 12, 2018, when the responses would be forthcoming was it even realized that a  
10 calendaring snafu had taken place. Thereafter, Plaintiff's counsel engaged in a fire drill to prepare  
11 responses, which were served the week of February 26, 2018. This delay in providing responses has  
12 caused a reciprocal delay in completing discovery. This brief extension will enable the parties to  
13 complete what needs to be completed.

14 The parties request a forty-five-day extension to only the discovery cut-off deadline  
15 and all subsequent deadlines. Therefore, a revised discovery plan is:

- 16 i. **Initial Expert Disclosure:** **March 5, 2018**  
17 ii. **Rebuttal Expert Disclosure:** **April 4, 2018**  
18 iii. **Discovery cutoff:** **June 18, 2018**  
19 iv. **Dispositive Motions:** **July 16, 2018**  
20 v. **Pretrial Order:** The parties will prepare and file a consolidated pretrial order  
21 on **August 15, 2018**. But, if any dispositive motions are filed, the Joint Pretrial Order shall be due  
22 thirty days after decision of such motion(s). Disclosures under Fed. R. Civ. P. 26(a)(3) and any  
23 objections shall be included in the Joint Pretrial Order.

- 24 2. **LR 26-7(b) Certification of Counsel:** The parties have discussed the proposed  
25 discovery extension via telephone and electronic mail.  
26 3. **Conclusion:** Based upon the foregoing, the parties respectfully request that the  
27 discovery deadline be extended as set forth above.  
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1 Dated: March 2, 2018

Dated: March 2, 2018

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3 VANNAH & VANNAH

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6 Attorney for Plaintiff, Sylvia Blair

Attorney for Defendant, Wal-Mart Stores, Inc.

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10 IT IS SO ORDERED:

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UNITED STATES MAGISTRATE JUDGE

15 DATED: March 5, 2018  
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